

1 LEWIS BRISBOIS BISGAARD & SMITH LLP  
Eric Y. Kizirian, SB# 210584  
2 Eric.Kizirian@lewisbrisbois.com  
Michael K. Grimaldi, SB# 280939  
3 Michael.Grimaldi@lewisbrisbois.com  
Zourik Zarifian, SB# 306368  
4 Zourik.Zarifian@lewisbrisbois.com  
633 West 5th Street, Suite 4000  
5 Los Angeles, California 90071  
Tel.: 213.250.1800  
6 Fax: 213.250.7900

7 Attorneys for Defendants,  
Lamps Plus, Inc., Lamps Plus Centennial,  
8 Inc., Lamps Plus Holdings, Inc.

9  
10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

12 FRANK VARELA, on behalf of himself  
13 and all others similarly situated,

14 Plaintiff,

15 vs.  
16

17 LAMPS PLUS, INC., LAMPS PLUS  
CENTENNIAL, INC., LAMPS PLUS  
18 HOLDINGS, INC., and Does 1 through 10,  
19 inclusive,

20 Defendants.  
21

Case No. 5:16-cv-00577-DMG

Hon. Dolly M. Gee

**LAMP PLUS'S NOTICE OF MOTION AND  
MOTION TO COMPEL ARBITRATION ON  
AN INDIVIDUAL BASIS AND, IN THE  
ALTERNATIVE, A RULE 12(B)(6)  
MOTION TO DISMISS**

Filed concurrently with the  
Memorandum of Points and Authorities,  
the Declaration of Lamps Plus's HR  
director Lucenda Jo Beeson, and the  
Proposed Order

Date: July 1, 2016  
Time: 9:30 a.m.  
Courtroom: 7

**NOTICE OF MOTION AND MOTION TO COMPEL ARBITRATION ON AN INDIVIDUAL  
BASIS AND, IN THE ALTERNATIVE, MOTION TO DISMISS**

Please Take Notice that on July 1, 2016, or as soon thereafter as the matter may be heard in Courtroom 7 of the United States Courthouse, located at 312 North Spring Street, Los Angeles, California, Defendants Lamps Plus, Inc., Lamps Plus Centennial, Inc., and Lamps Plus Holdings, Inc (“Lamps Plus”) will, and hereby does, move the Court under the Federal Arbitration act (“FAA”), 9 U.S.C. § 2 et seq., for an order compelling Plaintiff Frank Varela to arbitrate on an individual basis according to the terms of Lamp Plus’s Arbitration Agreement.

In the alternative, Lamps Plus moves under Federal Rule of Civil Procedure 12(b)(6) to dismiss the Complaint on the grounds that Plaintiff has failed to state a claim upon which relief may be granted.

This motion is based on this Notice, the Memorandum of Points and Authorities, the Declaration of Lamps Plus’s HR Director Lucenda Jo Beeson, and all other facts the Court may or should take notice of, all files, records, and proceedings in this case, and any oral argument the Court may entertain.

This motion is made following the May 23, 2016 conference of counsel per the Court’s Standing Order and L.R. 7-3 during which the parties discussed at length the issues and arguments raised in this motion to compel arbitration and, in the alternative, motion to dismiss. Counsel telephonically met and conferred again on May 24. Despite a significant amount of effort by both parties, no agreement could be reached.

Dated: May 31, 2016

LEWIS BRISBOIS BISGAARD & SMITH LLP

By:



Eric Y. Kizirian  
Attorneys for Defendants  
Lamps Plus, Inc., Lamps Plus Centennial,  
Inc.. and Lamps Plus Holdings, Inc.